UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

U.S. BANK NATIONAL ASSOCIATION, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Trust 2007-LDP10 Commercial Mortgage Pass- Through Certificates, Series 2007-LDP10,	
Plaintiff,	Civil Action No.: 1:10-cv-10920
V.	
ROBERT J. DEPIETRI, SR. and ROBERT J. DEPIETRI, JR., as Trustees of the Rosewood VIII Real Estate Trust,	LEAVE TO FILE GRANTED ON 7/21/2010
Defendants.	

AFFIDAVIT OF SIMON LAU

Simon Lau, under oath, deposes and says:

- 1. I am an Associate Asset Manager of J.E. Robert Company, Inc. ("J.E. Robert"), the special servicer for the plaintiff in this action. The role of the special servicer is to administer the loan after default and to pursue recovery of the outstanding loan balances owed to the certificate holders. This affidavit is made as to facts of my own personal knowledge.
- 2. J.E. Robert succeeded Midland Loan Services, the master servicer under the loan arrangement. Sandra K. Cook, an employee of Midland, had operational responsibility for this loan for the master servicer. Ms. Cook has submitted an affidavit in this matter to address some of the claims made by the borrowers.
- 3. In their response to our request for a receiver in this case, defendants maintain that they have not done anything to endanger the value of the real property. That statement is not correct. We had representatives from Colliers Meredith & Grew ("Colliers") evaluate the

property in March, and again in June of 2010. Deficiencies in the repair and maintenance of the building have been observed. Annexed hereto as **Exhibit A** are photographs depicting various deficiencies in the maintenance or repair of the building.

- 4. Colliers noted the following material deficiencies in the condition of the buildings:
 - a) the atrium ceiling has many water stained tiles, suggesting active roof leaks;
 - b) the elevator certificate has expired;
 - c) certificates for the fire extinguishers have expired;
 - d) vacant offices are unlocked;
 - e) a loading dock has been destroyed and debris from the removal sits on the lot;
 - f) a handicap/delivery ramp has been destroyed;
 - g) all of the loading docks show damage;
 - h) a railing has been removed and is lying on the ground;
 - i) the outer walls of the atrium are decayed and molding is missing and on the ground;
 - j) the parking lot is in poor condition.

Signed under the pains and penalties of perjury this ______ day of July, 2010.

/s/ Simon Lau Simon Lau

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File ("NEF"), and paper copies will be sent to those indicated as non-registered participants on July 20, 2010, by first class mail.

/s/ Peter S. Brooks
Peter S. Brooks